



MINUTES

Of A

REGULAR COUNCIL MEETING

October 27, 2011

The City Council of the City of Longview, Texas, met in a Regular Session, October 27, 2011, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Jay Dean presided.

Members present were:

Jay Dean
John Sims
Daryl Williams
Kasha Williams

Members absent were:

Wayne Frost
Richard Manley

Sidney Allen

Staff members present were:

David Willard, City Manager
Mary Ann Miller, Assistant to the City Manager
Shelly Ballenger, City Secretary
Jim Finley, City Attorney
Kevin Cummings, Director of Development Services
Keith Bonds, Director of Public Works
Laura Hill, Director of Community Services
Karri Hyko, Director of Human Resources
Angela Coen, Director of Finance
J.P. Steelman, Chief of Fire
Don Dingler, Chief of Police

I. CALL TO ORDER – Mayor Jay Dean called the meeting to order.

II. INVOCATION – Pastor Matt Benson of Grace Creek Church gave the invocation.

III. PLEDGE OF ALLEGIANCE – Pastor Matt Benson of Grace Creek Church led the pledge of allegiance.

IV. CITIZEN COMMENT

Dr. Sharon Collins, 7 Covington Dr., Longview, had concerns regarding the drainage project in the front of her house. She wanted a new carport to shade her vehicle and compensation for her 100 year old oak tree, and privacy hedges around the drainage outlets in her backyard.

Mayor Jay Dean: The City is spending around \$179,000.00 at your property to try to keep water out of your garage. The City has replaced your asphalt portion of your driveway with a concrete driveway tying into your existing concrete driveway. Once the project is complete we will make sure that what Mr. Bonds agreed to, takes place. In regards to the oak tree there are limitations to what the City can or cannot do on private residential property.

Vik Verma, 505 Danville Road #206, Kilgore: I am the Chair of the Applicant Diversity Team for the City of Longview Race Relations Committee. We have our joint meeting with the City Manager's Diversity Team this Monday, October 31st. We look forward to the meeting and having Council Members Kasha Williams and Richard Manley at the meeting.

Dora Bennett, 1100 S. 14th St., Longview, expressed concerns with her property sinking and needing dirt. The water goes across the road and into her yard.

Mayor Jay Dean asked Keith Bonds if he was aware of this issue.

Keith Bonds, Director of Public Works: The plan is a private driveway.

Donald Webb, 217 Millie St., Longview, asked to have the Lilly Street flooding problem added to the \$52,600,000.00 project list. He wanted the south Longview people from Lilly Street to come to the next City Council meeting and demand that Lilly Street be taken care of.

Council Member Kasha Williams: I was a member of the Streets Task Force under Mayor Dean's leadership. Lilly Street was discussed but unfortunately it is not at this time a major priority. We are aware that it does need some work. Other projects, particularly in south Longview where the majority of the money will be spent, were more significant. Thank you for bringing that to our attention.

Mr. Webb complained that the City can spend money of fire engines but not on Lilly Street. It is the City's responsibility to maintain the City's streets.

Mayor Jay Dean stated he would be happy to meet with Mr. Webb to discuss his real issues.

South Longview, in the last bond election, received about two-thirds of the money because it is the oldest section of town. The north side neighborhood improvements are paid by the developers not the City.

Council Member Kasha Williams: We will not forget. I am also a member of the South Lilly Street Crime Watchers group. I meet regularly with them.

V. PRESENTATION ITEMS

A. Recognition of citizens involved in the rescue of Ms. Estella Halton from a structure fire –

J.P. Steelman, Fire Chief, asked Ms. Estella Halton, Mrs. Willie (Beulah) Thomas and Patricia Halton on behalf of Lamon Willis, and Mr. Charles Mayfield (if in attendance) to come forward.

We would like to recognize some Longview residents that spring into action on a structure fire that happened in the 1100 block of Bertha Avenue on October 3rd. Ms. Halton was a resident in her home that had caught on fire. She was having some difficulty getting out of the structure before the fire department arrived. She was aided by the help of some of her local neighbors (Mr. Willie Thomas, Mr. Lamon Willis and Mr. Charles Mayfield). They demonstrated what it means to be a good neighbor by helping to remove her from her home and taking care of her until the fire emergency services got there to address the issues.

B. Presentation of a proclamation for National Community Planning Month –

Mayor Jay Dean: Change is constant and affects all cities, towns, suburbs, counties, townships, rural areas and other places. The full benefits of planning require public officials and citizens who understand, support excellence in planning and plan implementation. The American Planning Association, the American Institute of Certified Planners endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation to make the quality of our settlements and environment. The month of October is designated as the month to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement. Therefore, I, Jay Dean, by the authority vested in me as Mayor of the City of Longview, Texas do hereby proclaim October 2011 as Community Planning Month in Longview.

Michael Shirley, AICP, City Planner, thanked Mayor Dean and recognized some of the Planning and Zoning Members and volunteers. Without our elected officials (Mayor Dean, City Council and volunteers) we would not be able to plan for our community.

C. Presentation of a proclamation for 2011 Municipal Court Week – November 7-11, 2011 –

Mayor Jay Dean: More people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined. Public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court. Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all and conform to the standards set by the Canons of Judicial Conduct. The Municipal Judges and court support personnel continually strive to improve the administration of justice through participation in judicial education programs, seminars and annual meetings of their state and local professional organizations. Therefore, I, Jay Dean, by the authority vested in me as Mayor of the City of Longview, Texas, do hereby proclaim November 7 – 11, 2011, Municipal Court Week in Longview.

Sally Rees, Municipal Court Administrator, thanked the Mayor and recognized the court staff in serving the City very well.

D. Presentation of a proclamation for Longview being selected as one of "100 Best Communities for Young People" by America's Promise Alliance –

Mayor Jay Dean: The collaborative efforts of community leaders, parents, teachers, mentors, volunteers and students have made Longview an outstanding place for young people to live, learn and thrive. Community leaders have actively sought to resolve the dropout crisis with innovative initiatives for youth in the areas of mentoring, academic support, healthy development, safe activities and volunteer opportunities. Young people in Longview have worked hard to achieve academic and personal excellence. Therefore, I, Jay Dean, by the authority vested in me as Mayor of the City of Longview, Texas do hereby proclaim that Longview be celebrated as one of the nation's 100 Best Communities for Young People for 2011.

Holly Fuller, Partners in Prevention: This recognition is the 2nd time that Longview has received this award nationally. There were over 300 applications that were submitted to the America's Promise Alliance for this year. Longview was selected as one of those 100 Best Communities. Last time we received that award was in 2008 – 2009. We thank everyone involved in helping this community make Longview the best for Longview kids to grow up.

E. Presentation of a 30-year service award to Sally Rees, Municipal Court Administrator –

David Willard, City Manager: Thirty years ago Sally started to work at the City of Longview. For many years she was the Director of Public Safety Communications. About a year ago I asked her if she would be interested in moving to Municipal Court and she agreed. She has done a wonderful job and turned Municipal Court around. Thank you for your willingness to step up as an employee of the City of Longview. I congratulate you for 30 years.

Sally Rees: Thank you.

F. Presentation of a 30-year service award to Robert Eddy, Public Works Equipment Operator –

Keith Bonds, P.E., Director of Public Works: Robert Eddy started work at the City on October 27, 1981. He started out as a Maintenance Worker and finishes his career as

an Equipment Operator. Robert spent most of his career working on the wash truck. This is simply a truck we use to unplug clogged sewer lines. Over the years Robert has helped countless citizens with backed up sewer in their homes. This is not one of the most glamorous jobs in the City, but I can't think of a more important one. Robert spent the last several years helping us implement our water valve exercising program. This program concentrates on locating and operating all of our water valves so that when we have a water line break we are able to quickly isolate the break so the number of customers which are without water service is kept to a minimum.

Robert, I want to thank you and I know our citizens and customers want to thank you for your 30 years of dedicated service to the City.

G. Presentation of a 30-year service award to Ismael Torres, Public Works Crew Leader –

Keith Bonds, P.E., Director of Public Works: Ismael started to work for the City on September 4, 1981. He started out in Sanitation, moved to the Street Division and then made his home in the Water Department. He has been a Crew Leader for well over 20 years. Ismael has clearly been our go-to-guy for emergency water line breaks. Ismael is always the first one we call when we know we have a bad break and need it repaired quickly. Like Robert, he has helped countless citizens over the years. His tremendous efforts and determination has been instrumental in restoring water service to thousands of customers in literally hundreds of occasions. We have asked Ismael to help train some of our guys to replace him when he retires at the end of the year, but I'm not sure he is going to be successful because I think he's irreplaceable.

Ismael, I want to thank you for giving this City and its citizens 30 years of dedicated service.

VI. CONSENT AGENDA

A. Consider approval of the following minutes: September 8, 2011 and September 22, 2011 –

Shelly Ballenger, City Secretary, requested Council approval of the September 8, 2011 and September 22, 2011 minutes.

B. Consider a Resolution awarding a contract in an amount not to exceed \$295,233.10 to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with 7-H Construction Company, Inc. of Tyler, Texas, for the construction of the 2011 CDBG Water Improvements Project –

Keith Bonds, P.E., Director of Public Works, requested Council to consider a resolution awarding a contract in the amount of \$295,233.10 to 7-H Construction Company, Inc., of Tyler, Texas, for the construction of the referenced project. The following bids were opened on September 27, 2011:

Bidder	Amount
7-H Construction Company, Inc. Tyler, Texas	\$295,233.10
Haltom Construction Marshall, Texas	\$306,743.00
Excel Utility Construction, Inc. Longview, Texas	\$317,211.00
J and D Construction, Inc. Bronson, Texas	\$330,137.47
Wicker Construction, Inc. Shreveport, Louisiana	\$367,359.00
Reynolds and Kay, Limited Tyler, Texas	\$390,864.01
AAA Sanitation, Inc. Tyler, Texas	\$397,487.00

The scope of work includes the construction of 4,100 linear feet of 6" water main and related work at Sandlin, Jones, West, Harris, and Monroe Street, and miscellaneous work as necessary to complete the installations.

Hayes Engineering has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to 7-H Construction Company in the amount of \$295,233.10. Staff concurs with their recommendation.

Funding is available from the Community Development Block Grant and Operations and Maintenance funds.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF 7-H CONSTRUCTION COMPANY, INC. OF TYLER, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "2011 CDBG WATER IMPROVEMENTS"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND 7-H CONSTRUCTION COMPANY, INC., FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4361 appears in the Resolution and Ordinance records of the City of Longview.

- C. Consider a Resolution accepting the paving improvements to Jo Ann Metcalf Municipal Building project and authorizing final payment to W.R. Welborn & Son, Inc. of Longview, Texas, in the amount of \$28,080.40 –**

Keith Bonds, P.E., Director of Public Works, requested Council to consider a resolution accepting the Paving Improvements to Jo Ann Metcalf Municipal Building and authorizing final payment in the amount of \$28,080.40 to W.R. Welborn & Son, Inc.

The City Council awarded a contract to W.R. Welborn & Son, Inc. on May 19, 2011, in the amount of \$270,826.00. A change order in the amount of \$9,978.00 was approved. The final construction cost is \$280,804.00.

The scope of work consisted of reconstructing the existing paving section and providing 14,271 square yards of new 2" HMAC overlay. 1,500 square yards of HMAC overlay on the west side of the Police Station was added to the scope of the project.

The project has been completed in accordance with the contract. Staff recommends acceptance of the project and approval of the final payment.

Funding is available from 2007 General Obligation CIP Bond sale.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT ENTITLED "PAVING IMPROVEMENTS TO JO ANN METCALF MUNICIPAL BUILDING"; AUTHORIZING AND APPROVING FINAL PAYMENT TO W.R. WELBORN & SON, INC. FOR THE CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4362 appears in the Resolution and Ordinance records of the City of Longview.

D. Consider a Resolution rejecting all bids for the Knobcrest Pump Station and Pressure Zone Improvements Project –

Keith Bonds, P.E., Director of Public Works, requested Council to consider a resolution rejecting all bids for the construction of the referenced project. The following bids were opened on October 11, 2011:

Bidder	Amount
AAA Sanitation, Inc. Tyler, Texas	\$404,603.00
Associated Construction Partners Boerne, Texas	\$442,500.00
McKinney and McMillen Jacksonville, Texas	\$474,427.00

KSA Engineers has examined the bids. All bids exceed the engineer's estimate of \$295,000.00. Staff recommends rejection of all bids.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, REJECTING ALL BIDS INCIDENT TO THE CONSTRUCTION OF THE PROJECT ENTITLED “KNOBCREST PUMP STATION AND PRESSURE ZONE IMPROVEMENTS PROJECT”; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY TO REJECT SAID BIDS; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN REJECTING SAID BIDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4363 appears in the Resolution and Ordinance records of the City of Longview.

- E. Consider a Resolution authorizing the Longview Fire Department to apply for and receive grant funds from the Texas Forest Service’s TIFMAS Grant Assistance Program for an amount not to exceed \$12,000.00 for certification training regarding fire service code compliance inspections –**

J.P. Steelman, Fire Chief, requested Council to consider a resolution approving and authorizing the Longview Fire Department to apply for and receive a grant from the Texas Forest Service (TIFMAS) Grant Assistance Program not to exceed an amount of \$12,000.00. The grant, if awarded, would be utilized for training required for Firefighters to attain Basic Fire Inspector Certification from the Texas Commission on Fire Protection for the conduct of code compliance inspections. No funds are required.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY

MANAGER OR HIS DESIGNEE TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$12,000.00 FROM THE TEXAS FOREST SERVICE (TIFMAS) - GRANT ASSISTANCE PROGRAM; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ANY AND ALL AGREEMENTS AND OTHER DOCUMENTS NECESSARY OR CONVENIENT IN A FORM ACCEPTABLE TO THE CITY ATTORNEY TO CARRY OUT THE ACTIVITIES AUTHORIZED HEREIN; FINDING THAT NO LOCAL MATCHING FUNDS WILL BE REQUIRED TO RECEIVE AND EXPEND SAID FUNDS; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4364 appears in the Resolution and Ordinance records of the City of Longview.

MOTION: Council Member Daryl Williams made a motion to approve the Consent Agenda.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

VII. ZONING – PUBLIC HEARING ITEM

A PUBLIC HEARING will be held to consider application #Z11-16 filed by Bernice Hamilton requesting a rezone from Office (O) to General Retail (GR) for Lot 2, Block 1, Broadmoor Subdivision located at the southwest corner of McCann Road and Fairmont Street. THIS ITEM REQUIRES A PUBLIC HEARING.

Michael Shirley, AICP, City Planner: A PUBLIC HEARING will be held to consider application #Z11-16 filed by Bernice Hamilton requesting a rezone from Office (O) to

General Retail (GR) for Lot 2, Block 1, Broadmoor Subdivision located at the southwest corner of McCann Road and Fairmont Street.

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCELO	O	Office Building
NORTH	PD83-10	Vacant
SOUTH	O	Vacant
WEST	SF-2	Single Family Homes
EAST	GR	Retail Strip Center

The Comprehensive Plan designates this area for Low Density Residential.

The applicant is requesting a rezone from Office (O) to General Retail (GR) zoning district. The applicant requests to rezone this property to allow retail sales in the current building.

The Future Land Use Map designates this area for Low Density Residential. The Future Land Use map serves as a guide for future development of the City of Longview, and does allow for flexibility and recognition of current conditions and trends as well as surrounding land uses.

McCann Road is a principal arterial which is appropriate for retail uses.

Planning and Zoning Commission and Staff recommend approval of this request.

The public hearing was declared open.

Scott Hamilton, representing Bernice Hamilton, 1625 E. Loop 281, Longview, was available for questions.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Daryl Williams made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A

COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT LOT 2, BLOCK 1 BROADMOOR SUBDIVISION BE REZONED FROM OFFICE (O) TO GENERAL RETAIL (GR) LOCATED AT THE SOUTHWEST CORNER OF MCCANN ROAD AND FAIRMONT STREET; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

Such Ordinance is No. 3787 and appears in the Resolution and Ordinance records of the City of Longview.

VIII. REDISTRICTING PUBLIC HEARING AND ACTION ITEM

- A. A PUBLIC HEARING will be held to consider the City of Longview's redistricting plan. THIS ITEM REQUIRES A PUBLIC HEARING.**

The public hearing was declared open.

Lonnie Murphy, 2513 MLK Blvd, Longview: On Tuesday I attended the redistricting briefing that was held by staff and looked at the proposal. The plan says that numbers would be taken from District 5 and moved to District 6. Numbers would be moved from District 6 to District 2. Looking at the numbers prior to redistricting in district 2 we have

4,995 under the black population and after redistricting we go to 4,982. Even though we added to District 2, somehow we lost numbers in District 2. How did we lose numbers when all we were doing was adding?

Rolando Rios, Redistricting Consultant: We added population, meaning a total number was added but when we move blocks in we may have moved 1 – 2 blocks out to be coterminous with voting precincts which meant you added more people but not necessarily at the precise same number of African-Americans.

The public hearing was declared closed.

B. Consider an Ordinance to redistrict the City of Longview single member districts using the 2010 United States Census Data –

Rolando Rios, Redistricting Consultant: Every ten years, after completion of the United States census, the City of Longview council district boundaries must be reviewed in order to ensure the districts are roughly equal in population. This process, known as redistricting, must be done to ensure each area of the city is equally represented on the city council.

As part of the redistricting process, the city hired an outside expert to develop a redistricting map based on United States census data about the city's population count. Both the Longview City Council and the United States Department of Justice must approve any changes in district boundary lines before they are enacted.

The 2010 census showed the population in the city of Longview was 80,405. The ideal district is 13,409. Longview's deviation was 16.2% meaning the districts are malapportioned. The law and constitution allows you to have up to a 10% deviation. The deviation is basically calculated by getting your most populated and subtracting your least populated. That difference is divided by the ideal number. In this case district 5 is the most populated then subtract district 6 (least populated). That difference divided by your ideal would be how you would calculate your deviation.

Districts 2 and 3 are your minority districts with a high percentage of African-Americans and Hispanics. Federal law, under the Voting Rights Act which is part of the Civil Rights Act that were passes in the 1960's pursuant to the advocacy and the Martin Luther King Civil Rights Movement requires that these 2 districts be preserved when redistricting.

You have to equalize the population while maintaining the viability of the minorities. We increased District 2 by moving area from District 6 and we decreased District 5 by adding areas to District 6. Two other districts did not need any shifts. After making

those shifts the deviation came down to 2.8% with Districts 2 and 3 still being strong minority districts.

If this plan is adopted tonight, I will send it to the Department of Justice in Washington. They have 2 months to approve it.

Mayor Jay Dean asked Lonnie Murphy if that answered his question.

Lonnie Murphy: No, Sir. After redistricting District 2 we have 4,982 but before we had 4,995. Thirteen potential black voters went down when it was not supposed to go down any.

Mayor Jay Dean: On the Hispanic side it went up from 4,176.

Rolando Rios: When you move blocks you do not necessarily have the same number of African-American/Hispanics. We added population but we may have moved a block out to be coterminous with the new voting precincts of the county. That is what could have caused those shifts but we did add population. .

Lonnie Murphy: But why is that the only one that we have decreases in when we did all this block shift? This is about numbers and they do not add up.

Rolando Rios: You may not have the same number of African-Americans when you move blocks.

MOTION: Council Member Daryl Williams made a motion the following Ordinance be approved:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADOPTING A NEW MAP AND CORRESPONDING NEW GEOGRAPHICAL BOUNDARIES FOR COUNCIL MEMBER DISTRICTS 1, 2, 3, 4, 5, AND 6; REPEALING ORDINANCE NO. 3078 OF THE CITY OF LONGVIEW; REPEALING SECTION 34-19 OF THE LONGVIEW CITY CODE AND ENACTING A NEW SECTION 34-19 OF THE LONGVIEW CITY CODE TO CONFORM TO SUCH NEWLY ADOPTED BOUNDARIES; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

Such Ordinance is No. 3788 and appears in the Resolution and Ordinance records of the City of Longview.

IX. ACTION ITEMS

- A. A PUBLIC HEARING will be held to consider a Resolution requiring that all "goods-in-transit" as defined by the Texas Tax Code continue to be subject to ad valorem taxation by the City of Longview. THIS ITEM REQUIRES A PUBLIC HEARING.**

Chuck Ewings, Assistant City Manager: During the 2007 Texas Legislative Session, approved a bill exempting certain "goods-in-transit" from all property taxes effective January 1, 2008. This applied to almost any inventory that is moved to another location within 175 days. The City of Longview chose to be exempt from this provision as permitted by the Legislature and continue taxing these inventories to avoid a loss of up to \$11 million in taxable value in the portion of Longview in Harrison County alone.

This past legislative session the Legislature did place limits on what locations could hold such inventories. It also required that cities renew their desire to continue to tax such inventories between October 1, 2011 and December 31, 2011.

As this could still represent a significant loss in taxable value for the City of Longview, staff recommends that these inventories continue to be included as taxable property.

The public hearing was declared open.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member John Sims made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, REQUIRING THAT ALL "GOODS-IN-TRANSIT" AS DEFINED BY TEXAS TAX CODE SECTION 11.253 CONTINUE TO BE SUBJECT TO AD VALOREM TAXATION BY THE CITY OF LONGVIEW PURSUANT TO THE CITY OF LONGVIEW'S ANNUAL AD VALORUM TAX ASSESSMENT; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Kasha Williams seconded the motion.

VOTE: The motion carried unanimously (5,0).

Such Resolution is No. 4365 and appears in the Resolution and Ordinance records of the City of Longview.

- B. Consider an Ordinance authorizing the City Manager or the City Manager's designee to enter in a developer participation agreement not to exceed \$565,000.00 between the City of Longview and Abby Development for the construction of additional road improvements and sidewalk improvements for a proposed extension of Hawkins Parkway –**

Chuck Ewings, Assistant City Manager: Abby Development is currently planning to construct retirement facilities on property east of the location that Hawkins Parkway currently terminates near U.S. Highway 259. These facilities include an assisted living facility and independent living facility with proposed future retirement townhomes and a senior nursing facility.

As part of the development, Hawkins Parkway will be extended through the property to Tryon Road. The proposed development requires this extension be a two-lane road. To accommodate future traffic, under this agreement a third lane would be constructed and funded by the City of Longview by reimbursing the developer over a five-year period beginning in FY 2012-2013. The new section will be concrete material similar to the existing portion of Hawkins Parkway at U.S. Highway 259. Additionally, the developer will include a sidewalk and be reimbursed for the total cost of the sidewalk.

The total amount of reimbursement is an amount not to exceed \$565,000.00, with the ultimate reimbursement being based on actual costs submitted by the developer. The first payment will be \$50,000.00 in FY 2012-2013 with the remaining four payments being made annually in equal amounts.

Mr. Brian Clark is here to answer any questions. The Certified Retirement Committee did consider this and recommends its approval. Betty Kirby, the Certified Retirement City Committee Chairperson, is here as well.

Mayor Jay Dean: A letter authored by Betty Kirby who is the Certified Retirement City Committee Chair, the Mayor read: a number of years ago we pursued that designation to be recognized as a retirement community. The thought process was to try to attract developments that would bring retirees to our community from other areas. This is one of the first major retirement developments that we have seen.

The street would extend Hawkins from the new theater to Tryon Road which would get a lot of traffic. The way the \$565,000.00 is structured we will actually start paying that after some of this development has started. Hopefully we will start seeing some of our property taxes from this project come in.

MOTION: Council Member Daryl Williams made a motion the following Ordinance be approved:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A DEVELOPER PARTICIPATION AGREEMENT WITH ABBY DEVELOPMENT FOR CERTAIN ROAD IMPROVEMENTS AND SIDEWALK IMPROVEMENTS FOR A PROPOSED EXTENSION OF HAWKINS PARKWAY; SETTING THE AMOUNT OF PARTICIPATION BY THE CITY OF LONGVIEW AT AN AMOUNT NOT TO EXCEED \$565,000; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

Such Ordinance is No. 3789 and appears in the Resolution and Ordinance records of the City of Longview.

C. Consider a Resolution accepting a proposal of and authorizing and directing the City Manager or the City Manager's designee to execute any documents with Pratt Industries of Conyers, Georgia for processing recyclables –

This item was pulled from the agenda. Mayor Jay Dean recused himself and Council Member Daryl Williams took over the meeting.

Ron Shepard, Pratt Industries/IESI Waste Services, Shreveport, Louisiana: Unfortunately we are not able to vote on this tonight. Our corporate headquarters is in Conyers, Georgia but our paper mill is in Shreveport, Louisiana. We have both a 100% paper mill and recycling facility in Shreveport. We do have a lot of Texas based Pratt facilities. Mr. Pratt gave a brief history of Pratt Industries.

Tony Cain, Pratt Industries/IESI Waste Services, 108 N. Industrial Blvd., Kilgore: As the receiver of the materials we will bale it and transport to the Shreveport mill. We have a small part in this but we know we are contributing to our local economy. Pratt has offered the City \$46.00 per ton for this material. As it grows you could have a \$60.00 a ton turnaround for every ton you get out of the landfill in the future. We are proud to be a part of it as it comes to Council at the next meeting.

This item was pulled from the agenda.

At this time Mayor Jay Dean returned to Council Chambers to continue to meeting.

X. ITEMS OF COMMUNITY INTEREST

Council Member Kasha Williams reminded everyone to go out and support the Spooky Arts Show at the Longview Museum of Fine Arts this weekend.

On Saturday November 12th Delta Sigma Theta Sorority will have our Project Park Extravaganza featuring Kimberla Lawson Roby. It will be at Pinecrest Country Club for \$20.00 per person.

MOTION: Council Member Kasha Williams made a motion to excuse the absence of Council Member Richard Manley and Council Member Wayne Frost.

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (5,0).

Mayor Jay Dean: The Longview Fire Department Block Party is this Saturday, October 29, 2011 from 10:00 a.m. to 2:00 p.m. at the Central Fire Station on 200 S. Center Street. For more information call Lesha Robinson at 903-237-1119.

Longview Police will host Free Women's Safety Awareness Seminar on November 3rd from 6:00 p.m. to 9:00 p.m. held in the Roy Stone Training Room at the Longview Police Department, 302 W. Cotton Street. For more information call Debra Stiles at 903-738-8724.

Youth Basketball deadline is Tuesday, November 1st. Registration packets are available online at parks.longviewtexas.gov or at the Parks and Recreation Department office, 130 East Timpson Street. For more information call 903-237-1270.

Mayor Jay Dean thanked Mary Ann Miller and staff for getting Council up to speed with technology by using iPads and save money on the reams of paper they get every week for the agenda.

With Halloween coming up please be careful and watch out for the children.

XI. EXECUTIVE SESSION

Personnel Matters – Under Texas Government Code Section 551.074

Consider, discuss, and deliberate performance evaluations for the following:

City Secretary
Municipal Court Judge

There was no Executive Session.

XII. ADJOURN

The meeting was adjourned at 6:32 p.m.

[seal]

Shelly Ballenger
City Secretary

